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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9
10 **AT SEATTLE**

11 **BRADLEY AND LORI ROUTT,**) Case No.
12)
13 Plaintiffs,) **COMPLAINT FOR VIOLATION**
14) **OF FEDERAL FAIR DEBT**
15) **COLLECTION PRACTICES ACT**
16)
17 **SKAGIT BONDED COLLECTORS,**
18 **LLC DBA SB&C, LTD. AND)**
19 **SANDRA PACIOTTI,**)
20)
21 Defendants.)

22 **NATURE OF ACTION**

23 1. This is an action brought under the Fair Debt Collection Practices
24 Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

25 **JURISDICTION AND VENUE**

26 2. This Court has jurisdiction under 15 U.S.C. § 1692k(d) and 28
27 U.S.C. § 1331.

28 COMPLAINT FOR VIOLATIONS OF THE FAIR
DEBT COLLECTION PRACTICES ACT-1

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4. Plaintiffs, Bradley and Lori Routt (“Plaintiffs”), are natural persons who at all relevant times resided in the State of Washington, County of Skagit, and City of Burlington.

6. Defendant, Skagit Bonded Collectors, LLC dba SB&C, Ltd.

(“SBC”) is an entity who at all relevant times was engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiffs, as defined by 15 U.S.C. §1692a(5).

7. Defendant, Sandra Paciotti (“Ms. Paciotti”) is an individual who at all relevant times was engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. §1692a(5).

8. “Employees can be held personally liable under the FDCPA.”
Robinson v. Managed Accounts Receivable Corp., 654 F. Supp. 2d 1051, 1059

(C.D. Cal. 2009); see *Schwarm v. Craighead*, 552 F. Supp. 2d 1056, 1070-71 (E.D. Cal. 2008).

9. Furthermore, “most district courts that have addressed the issue have held that the corporate structure does not insulate shareholders, officers, or directors from personal liability under the FDCPA.” *Schwarm v. Craighead*, 552 F. Supp. 2d 1056, 1070-71 (E.D. Cal. 2008); see *Kistner v. Law Offices of Michael P. Margelefsky, L.L.C.*, 518 F.3d 433, 437-38 (6th Cir. 2008); *del Campo v. Kennedy*, 491 F. Supp. 2d 891, 903 (N.D.Cal.2006); *Brumbelow v. Law Offices of Bennett & Deloney, P.C.*, 372 F.Supp.2d 615, 618-21 (D. Utah 2005); *Albanese v. Portnoff Law Assocs., Ltd.*, 301 F. Supp. 2d 389, 400 (E.D. Pa. 2004); *Musso v. Seiders*, 194 F.R.D. 43, 46-47 (D.Conn.1999); *Brink v. First Credit Res.*, 57 F. Supp. 2d 848, 861-62 (D. Ariz. 1999); *Pikes v. Riddle*, 38 F. Supp. 2d 639, 640 (N.D. Ill. 1998); *Ditty v. CheckRite, Ltd.*, 973 F. Supp. 1320, 1337-38 (D. Utah 1997); *Newman v. Checkrite Cal., Inc.*, 912 F. Supp. 1354, 1372 (E.D. Cal.1995); *Teng v. Metro. Retail Recovery Inc.*, 851 F. Supp. 61, 67 (E.D. N.Y. 1994).

10. Skagit Bonded Collectors, LLC dba SB&C, Ltd. and Sandra Paciotti (“Defendants”) are “debt collectors” as defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

11. Plaintiffs are natural persons obligated, or allegedly obligated, to pay a debt owed or due, or asserted to be owed or due a creditor other than Defendants.

12. Plaintiffs' obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendants, arise from a transaction in which the money, property, insurance, or services that are the subject of the transaction were incurred primarily for personal, family, or household purposes. Plaintiffs incurred the obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendants.

13. Defendants use instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due another.

14. Defendants sent Plaintiff initial written communication dated December 14, 2009, and in which Defendants made threats to report the debt to the credit bureaus as soon as seven (7) days after the letter was sent to Plaintiff, thus overshadowing, obscuring and obfuscating the disclosures required pursuant 15 U.S.C. §§ 1692g(a) et seq.

16. Defendants falsely represented the character, amount, or legal status of Plaintiff's debt. In the December 14, 2009 letter that Defendants sent to Plaintiff, Defendants indicated that the total amount owed by Plaintiff was \$316.60.

17. In the lawsuit filed in June of 2020, however, Defendants represented that the total amount of the debt incurred was \$220.80.

18. Moreover, Defendants attempted to collect interest charges that were not expressly authorized by the agreement on which the debt was based. (§ 1692e(2)(A)).

19. Defendants' actions constitute conduct highly offensive to a reasonable person.

20. Plaintiffs repeat and re-alleges each and every allegation contained above.

1 21. Defendant violated the FDCPA as detailed above.

2 WHEREFORE, Plaintiffs pray for relief and judgment, as follows:

- 3
- 4 a) Adjudging that Defendant violated the FDCPA;
- 5 b) Awarding Plaintiffs statutory damages, pursuant to 15 U.S.C.
- 6 §1692k, in the amount of \$1,000.00;
- 7
- 8 c) Awarding Plaintiffs actual damages, pursuant to 15 U.S.C. §1692k;
- 9 d) Awarding Plaintiffs reasonable attorneys' fees and costs incurred in
- 10 this action;
- 11
- 12 e) Awarding Plaintiffs any pre-judgment and post-judgment interest as
- 13 may be allowed under the law;
- 14
- 15 f) Awarding such other and further relief as the Court may deem just
- 16 and proper.
- 17

18 **COUNT II**

19 **DEFENDANT MS. PACIOTTI**

20 22. Plaintiffs repeat and re-alleges each and every allegation contained

21 above.

22

23 23. Defendant violated the FDCPA as detailed above.

24 WHEREFORE, Plaintiffs pray for relief and judgment, as follows:

- 25
- 26 g) Adjudging that Defendant violated the FDCPA;
- 27

- 1 h) Awarding Plaintiffs statutory damages, pursuant to 15 U.S.C.
2 §1692k, in the amount of \$1,000.00;
3
4 i) Awarding Plaintiffs actual damages, pursuant to 15 U.S.C. §1692k;
5
6 j) Awarding Plaintiffs reasonable attorneys' fees and costs incurred in
7 this action;
8
9 k) Awarding Plaintiffs any pre-judgment and post-judgment interest as
10 may be allowed under the law;
11
12 l) Awarding such other and further relief as the Court may deem just
13 and proper.

14 **TRIAL BY JURY**

15 Plaintiffs are entitled to and hereby demands a trial by jury.
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17 Respectfully submitted this 9th day of December, 2010.
18

19 s/Jon N. Robbins
20 Jon N. Robbins
21 WEISBERG & MEYERS, LLC
22 Attorney for Plaintiffs
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